UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

AMBROSE O. ESOGBUE,

Petitioner

-VS-

NO. 3:CV-00-1344

(Judge Kosik)

M. FRANCIS HOLMES, ACTING DIRECTOR OF INS, AND THE IMMIGRATION & NATURALIZATION SERVICE.

Respondents

MEMORANDUM AND ORDER

This matter is before the court on the motion of petitioner to reconsider our Order of April 13, 2005 dismissing his petition for writ of habeas corpus filed pursuant to 28 U.S.C. §2241, and our vacating a stay of removal Order issued April 8, 2005. The government has filed a response opposing the reconsideration.

Since we write primarily for the parties, we refer to the brief background of this matter stated in our Order of April 13, 2005. In that background, we alluded to a similar and earlier petition for habeas corpus having been filed by petitioner in the District Court of Louisiana, which was resolved and denied on March 23, 2005 in a 17-page opinion. It was not appealed at the time. In his present motion for reconsideration, petitioner seeks an additional stay of deportation until the Fifth Circuit Court of Appeals rules on his appeal from the district court's decision in Louisiana.¹

While we are not unsympathetic with petitioner's plight, since he claims to have lived in this country for 34 years and has established substantial roots, we agree with the

¹It appears his appeal was not filed earlier because petitioner claimed not to have received the opinion of the Louisiana District Court.

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government's careful review of the law with respect to the requirements for reconsideration,
none of which exist here.
Accordingly, the motion for reconsideration is DENIED . ²
SO ORDERED.
s/Edwin M. Kosik United States District Judge
Date: May 5, 2005

²While we are not familiar with the appellate rules in the U.S. Court of Appeals for the Fifth Circuit, it may be that a remedy could be available to seek a further stay on petitioner's behalf.